



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

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IN REPLY REFER TO:

1030 (930) P

April 21, 2008

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Instruction Memorandum No. WY-2008-036

Expires 9/30/2009

To: Field Managers
From: State Director, Wyoming
Subject: Seed Collection and Pricing Policy

Program Area: Vegetative Contracts, Forestry, Botany, and Range

Purpose: This Instruction Memorandum (IM) establishes seed collection, permit and pricing policy for Wyoming Bureau of Land Management (BLM).

Background: Current BLM policy allows for the sale and collection of plant seed on Bureau managed lands. There has been a steady and continuing demand for seed collection by the public in Wyoming. The price for available seed changes regularly in response to market conditions. There is no current Wyoming BLM specific direction for seed collection and pricing.

Management of wildland seed resources is an important component of ecosystem based resource management that benefits both the BLM and the public. These benefits include complementing other resource programs managed by the Bureau; contributing to the economic stability and well being in local communities; and aiding in restoration projects and programs.

Policy/Action: The appropriate level of National Environmental Policy Act (NEPA) analysis is required prior to issuance of seed collection permits. Mitigation measures, in the form of Special Provisions, may be attached to any Bureau vegetative permit or contract. These stipulations should address and mitigate any issues identified through the NEPA process. If issues cannot be mitigated to an acceptable level through stipulations, then the permit or contract should not be issued.

Permits for collection of seed from federally listed threatened and endangered species and candidate species cannot be issued without a Section 10 permit from the US Fish and Wildlife Service, and then can only be issued for scientific take. Plants on the BLM State Sensitive Species List require consultation between the BLM Authorizing Officer and the Wyoming State Office Botanist. Seed from plants on the Wyoming BLM Sensitive Species list will only be allowed for scientific or research purposes.

No commercial seed harvest or collection will be permitted within designated Wilderness or Wilderness Study Areas (WSA's). The Interim Management Policy states that no commercial harvest of vegetation will be allowed. The Interim Management Policy does make allowances for issuing permits for seed collection for personal use under certain circumstances including strict adherence to the non-impairment criteria. Please refer to the Interim Management Policy for Lands under Wilderness Review for further direction.

Only hand powered collection of seed will be permitted unless motorized mechanical harvest is analyzed in the supporting NEPA documentation and specified in the Special Provisions section of the permit. Seed harvest will only be permitted for specific areas and acreages with an attached map specifying the area.

One original permittee signed copy of the permit with the Special Provisions and map will be maintained with the BLM Field Office files. The second original copy, with all the required attachments and signatures, must be in the possession of the permittee/collector/harvester while collection is taking place.

Permittees are required to keep a seed collection log listing materials collected by species, amounts and location.

Pricing Policy: The following methods will be used to determine "fair market" value of seeds.

- 1- Commercial or Personal Use permits will only be issued in ten (10) pound increments by species (or variety).
- 2- All seeds will be sold on per pound basis as "dirty" or uncleaned/unprocessed seeds.
- 3- Minimum pricing for "dirty" seeds is set at 2.5 percent of the current retail sale price for cleaned and processed pound for a particular species.
- 4- The retail price will be based on BLM seed warehouse price per pound for clean, certified seed.
- 5- The local retail price per pound will be used if the BLM seed warehouse price is less than the local price.
- 6- The local price will also be used if the BLM seed warehouse does not carry the seed desired.
- 7- A minimum price for "dirty" seed of \$0.15 per pound for grass, \$0.25 per pound for shrubs, and \$0.30 for forbs will be used if there is no local or BLM warehouse price information for a particular seed.

The BLM seed warehouse price list will be posted to the Wyoming BLM Forestry and Fire Ecology website. The URL for this website is <http://web.wy.blm.gov/930/forestry/>

Road Maintenance Fee: Please refer to the direction in IM WY-2007-010 for appropriate usage of the 9120 account.

Reporting Requirements: All sales of seeds will be reported in the Timber Sale Information System (TSIS) using the Special Forest Products module.

Accounting Information: The CBS Commodity Code for Native seed is 327. The FFS Fund code is 750 and the Fund Symbol is 145881. The following information is required pathway for proper entry into the CBS accounting system to ensure monies are deposited correctly:

- Vegetative Materials
- PD Vegetative Materials

- Native Seed – Miscellaneous (750)
- State
- County
- Quantity
- Unit Price
- Total

Appropriate Permit Forms:

Commercial Sales –

Form 5450-1 Contract for the Sale of Vegetative Resources. If the total purchase price is not paid on or before the date the contract is signed by the Authorizing Official, then the bonding and deposit requirements in this form must be followed. Full cash payment is required for any purchase of less than \$2,500.

Form 5450-5 Vegetative or Mineral Negotiated Cash Sale Contract. This is only to be used for sales of less than \$2,500. Full cash payment is required prior to issuance of the permit.

Personal Use Sales –

Form 5450-5 Vegetative or Mineral Negotiated Cash Sale Contract. Vegetative products purchased under this permit for personal use is defined as “. . . use other than for sale, barter, trade, or obtaining a profit” (43 CFR Subpart 5400, Definitions). The limit on this permit is \$2,499.

Free Use –

Form 5510-1, Free Use Application Form. As defined in CFR 43 Part 5500, applicants must meet certain criteria in order for a free use permit to be issued. They must be a resident of the State, a Federal or State governmental agency, unit or subdivision including municipalities, or any association or corporation not organized for profit, as authorized by the AFM for Renewable Resources (43 CFR 5510.0-3 b). Free use materials may not be used for commercial or industrial purposes or resale. Also, a non-profit association or corporation may not receive more than \$100.00 worth of seed in any one calendar year.

Free use permits for vegetative materials will be issued to Native Americans for ceremonial purposes when requested. Quantities will be limited to the amount identified in the personal use section above or specified in the local land use plan.

Recreational Use –

Recreational use is defined under 43 CFR 8365.1- 5 Property and resources, Sections (b) (1). These sections allow the public to collect, in non-restricted areas, “reasonable amounts” for “non-commercial purposes” of commonly available renewable resources such as flowers, berries, nuts, seeds, cones, and leaves. For clarification, renewable resources (seed) collected for recreational use in Wyoming is determined to be 1,000 seeds or 5 pounds of “dirty” weight of seed. No permit is **required** for this type of collecting of seed.

Recommended Special Provisions for All Permits or Contracts issued under this direction:

See attachment 1 for the recommended minimum special provisions to be included.

Timeframe: This IM is effective upon receipt.

Budget Impacts: None are anticipated.

Manual/Handbook Sections Affected: None.

Coordination: This IM was coordinated among the Forestry, Botany, Range Management, and Threatened and Endangered Species program leads in WY-930, Accounts and Receiving (WY-951), and field personnel in Forestry, Range, and Botany. This IM is based on requests from the field for direction.

Contact: For questions concerning this IM please contact either Bob Means, Forestry program lead at (307) 775-8287 or Tyler Abbott, Botanist/Native Plant Materials program lead at (307) 775- 6227.

Signed by:
Donald A. Simpson
Acting State Director

Authenticated by:
Pamela D. Hernandez
Wyoming Central Files

1 Attachment:

1 - Recommended Special Provisions for Seed Collection Permits and Contracts (2 pp.)

Attachment 1

Recommended Special Provisions for Seed Collection Permits and Contracts

- This original permit must be in the possession of all collectors/harvesters working for the permit holder while collecting/harvesting on BLM administered lands. This original permit must remain with the harvested/collected material at all times. Copies of the permit will not be honored or considered valid without an original signature by the Authorized Officer. This permit must be presented to any law officer or BLM official upon request;
- Only seed specifically listed by species, sub-species, or variety can be legally harvested under this permit. This permit is issued in 10 pound increments based upon “dirty” (uncleaned/unprocessed material) weight. There is no implied similar species collection under this permit, and non-permitted seed in your possession while on public lands will be considered a violation of this permit;
- Vehicles, equipment and clothing must be cleaned of all noxious weed seed prior to leaving an area where these species are present and prior to entering a new collection area;
- Only hand powered collection of seed will be permitted unless motorized mechanical harvest is specified in writing within this permit. Motorized mechanical harvest will only be permitted for specific areas and acreages with an attached map specifying the collection area;
- Cutting of vegetative material for later seed removal is not allowed.
- Vegetative material litter accumulated by the permittee will be scattered sufficiently to not create piles of material;
- All trash and garbage created by the harvesters/collectors will be removed from the public lands and properly disposed of. BLM practices a Leave-No-Trace policy and expects the same from its permittees;
- Seed collection and vehicle parking within the rights-of-ways of Interstates (Freeways), state, or county blacktop roads is prohibited;
- Vehicles are prohibited on all BLM roads, trails, and lands if muddy conditions exist that will cause ruts to be formed greater than two inches deep. Vehicles are not permitted at any time off existing roads and trails;
- All livestock gates will be left as you found them. If they are open, leave them open and if they are closed, close them. No harvest is permitted within one-half mile of livestock watering troughs, springs, and reservoirs.
- Permit execution is subject to all federal, state, and local laws;
- If permit violations occur or if unforeseen unintended resource impacts occur, it may be canceled by the Authorized Officer prior to the termination date of the permit;

I have read and understand the above permit Stipulations and will abide by these restrictions.

Permit Holder Signature

Date Signed

Authorized Officer

Date